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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Odidi, *et al.*

Serial Number: 10/561,700 ✓

Filing Date: 12/22/05

Confirmation:

Art Unit:

Examiner: TBD

Docket No.: 221904-1050

Title: **PROTON PUMP-INHIBITOR-CONTAINING CAPSULES WHICH COMPRISE SUBUNITS
DIFFERENTLY STRUCTURED FOR A DELAYED RELEASE OF THE ACTIVE INGREDIENT**

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This information disclosure statement is filed in accordance with 37 C.F.R. §§ 1.56, 1.97, and 1.98, and specifically:

- ☒ under 37 CFR 1.97(b), or
(within Three months of filing national application; or date of entry of international application; or before mailing date of first office action on the merits; whichever occurs last)
- ☐ under 37 CFR 1.97(c) together with either a:
☐ Statement Under 37 C.F.R. 1.97(e), or
☐ a \$180.00 fee under 37 CFR 1.17(p), or
(After the CFR 1.97(b) time period, but before the final office action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with a:
☐ Statement under 37 CFR 1.97(e), and
☐ a \$180.00 petition fee set forth in 37 CFR 1.17(p).
(Filed after final office action or notice of allowance, whichever occurs first, but before payment of the issue fee)

- ☐ Enclosed is a check in the amount of \$.
- ☐ Enclosed is Credit Card Payment Form (PTO-2038) in the amount of \$.
- ☐ Please charge \$ to deposit account .
- ☒ At any time during the pendency of this application, please charge any fees required to Deposit Account 20-0778 pursuant to 37 CFR 1.25. The Commissioner is hereby requested to credit any overpayment to Deposit Account No. 20-0778.
- ☒ Applicant(s) submit herewith *Form PTO 1449A - Information Disclosure Statement by Applicant* together with copies (where required) of patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may or may not be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56. As required by 37 C.F.R. §1.98(a), a legible copy of each document is provided.

- ☐ A concise explanation of the relevance of foreign language patents, foreign language publications and other foreign language information listed on PTO Form 1449, as presently understood by the individual(s) designated in 37 CFR 1.56(c) most knowledgeable about the content is given on the attached sheet, or where a foreign language patent is cited in a search report or other action by a foreign patent office in a counterpart foreign application, an English language version of the search report or action which indicates the degree of relevance found by the foreign office is listed on the form PTO 1449 and is enclosed herewith.

The following rights are reserved by the Applicant(s): the right to establish the patentability of the claimed invention over any of the listed documents should they be applied as reference, and/or the right to prove that some of these documents may not be prior art, and/or the right to prove that some of these documents may not be enabling for the teachings they purport to offer.

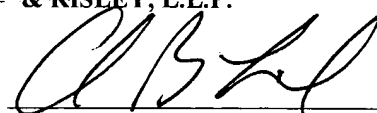
This statement should not be construed as a representation that an exhaustive search has been made, or that information more material to the examination of the present application does not exist. Any statements or identifications regarding the relevance of any portion(s) of cited references should not be construed as a representation that the most relevant portion(s) have been identified, and the absence of such statements or identifications should not be construed as representations that there are no relevant portion(s). The Examiner is specifically requested not to rely solely on the materials submitted herewith. The Examiner is requested to conduct an independent and thorough review of the documents, and to form independent opinions as to their significance.

It is requested that the information disclosed herein be made of record in this application and that the Examiner initial and return a copy of the enclosed PTO-1449 to indicate the documents have been considered.

Respectfully Submitted,

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

By:

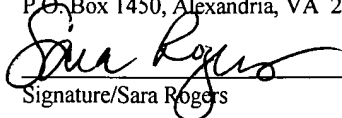


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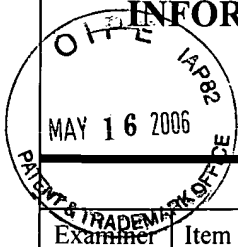
I hereby certify that this correspondence is being deposited with the United States Postal Service as "**First Class Mail**," in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 12, 2006.


Signature/Sara Rogers

Form PTO-1449

Attorney Docket No.
221904-1050Serial No.
10/561,700**INFORMATION DISCLOSURE CITATION***(Use several sheets if necessary)*Applicant
Odidi, et al.Filing Date
12/22/05Group
TBD**U.S. PATENT DOCUMENTS**

Examiner Initials	Item	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	A	4,045,563	8/30/97	Berntsson, et al.	424	263	
	B	4,255,431	3/10/81	Junggren, et al.	424	263	
	C	4,337,257	6/29/82	Junggren, et al.	424	263	
	D	4,508,905	4/2/85	Junggren, et al.	546	271	
	E	4,606,909	8/19/86	Bechgaard, et al.	424	21	
	F	4,628,098	12/9/86	Nohara, et al.	546	271	
	G	4,686,230	8/11/87	Rainer, et al.	514	338	
	H	4,689,333	8/25/87	Nohara, et al.	514	338	
	I	4,758,579	7/19/88	Kohl, et al.	514	338	
	J	4,818,760	4/4/89	Binder, et al.	514	338	
	K	4,845,118	7/4/89	Lang, et al.	514	338	
	L	4,853,230	8/1/89	Lovgren, et al.	424	466	
	M	4,927,640	5/22/90	Dahlinder, et al.	424	497	
	N	4,965,269	10/23/90	Brandstrom, et al.	514	253	
	O	5,021,433	6/4/91	Alminger, et al.	514	338	
	P	5,045,552	9/3/91	Souda, et al.	514	338	
	Q	5,149,702	9/22/92	Yamada, et al.	514	303	
	R	5,430,042	7/4/95	Lindberg, et al.	514	338	
	S	5,708,017	1/13/98	Dave, et al.	514	393	
	T	5,753,265	5/19/98	Bergstrand, et al.	424	474	
	U	5,840,910	11/24/98	Souda, et al.	546	273.7	
	V	5,998,445	12/7/99	Souda, et al.	514	338	
	W	6,183,776	2/6/01	Depui, et al.	424	468	
	X	6,296,876	10/2/01	Odidi, et al.	424	480	
	Y	6,479,075	11/12/02	Odidi, et al.	424	458	
	Z	6,489,346	12/3/02	Phillips	514	338	
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	BB	6,599,529	7/29/03	Skinhoj, et al.	424	458	
	CC	6,645,988	11/11/03	Phillips	514	338	
	DD	6,699,885	3/2/04	Phillips	514	338	
	EE	6,780,882	8/24/04	Phillips	514	338	
	FF	US2003/0118669	6/26/03	Phillips	424	682	
	GG	US2003/0215527	11/20/03	Phillips	424	717	



	HH	US2004/0048896	3/11/04	Phillips	514	338	
	II	US2004/0058018	3/25/04	Phillips	424	729	
	JJ	US2004/0171646	9/2/04	Phillips	514	338	
	KK	US2005/0042304	2/24/05	Phillips	424	717	
	LL	US2005/0054682	3/10/05	Phillips	514	338	
	MM	US2005/0004171	1/6/05	Phillips	514	338	

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
	NN	0184322	6/11/86	EP	401	12	X	
	OO	0533790	10/1/97	EP	401	12		X
	PP	92/08716	5/29/92	PCT	401	12		X
	QQ	2163747	3/5/83	UK	401	12	X	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

	RR	Aulton M.E. (Churchill Livingstone Ed.), Pharmaceuticals: The science of dosage form design (1988), p. 316-321
	SS	Drugs Made in Germany, 37 No. 2 (1994), pp. 53-60, "Fast Disintegrating Controlled Release Tablets from Coated Particles", K. Lehmann, H. U. Petereit and D. Dreher

* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

EXAMINER'S SIGNATURE:	DATE CONSIDERED:
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